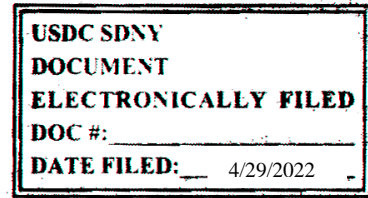


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**GABINO GENAO,**

**Plaintiff,**

**21-CV-00303 (AT) (VF)**

**-against-**

**21-CV-00301 (AT) (VF)**

**CITY OF NEW YORK et al.,**

**OPINION AND ORDER**

**Defendants.**

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**VALERIE FIGUEREDO, United States Magistrate Judge:**

On January 27, 2022, Plaintiff Gabino Genao filed a Motion for the Appointment of Counsel in the above referenced actions, asserting, among other things, that such appointment is warranted because (1) Plaintiff is unable to afford counsel; (2) the issues involved in the case are complex; (3) as a “segregation inmate,” Plaintiff has limited access to the law library; and (4) Plaintiff has limited knowledge of the law. Defendants have not opposed this motion.

The factors to be considered in ruling on a motion for pro bono counsel are well settled and include “the merits of plaintiff’s case, the plaintiff’s ability to pay for private counsel, plaintiff’s efforts to obtain a lawyer, the availability of counsel, and the plaintiff’s ability to gather the facts and deal with the issues if unassisted by counsel.” Cooper v. Sargenti Co., 877 F.2d 170, 172-74 (2d Cir. 1989). Of these, “the factor which command[s] the most attention [is] the merits.” Id. Indeed:

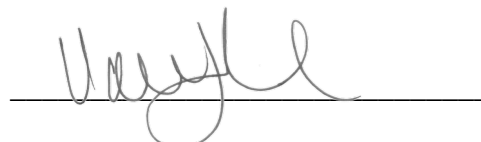
[c]ourts do not perform a useful service if they appoint a volunteer lawyer to a case which a private lawyer would not take if it were brought to his or her attention. Nor do courts perform a socially justified function when they request the services of a volunteer lawyer for a meritless case that no lawyer would take were the plaintiff not indigent.

Id.

Here, Plaintiff has not made a “threshold showing of some likelihood of merit.” Id.  
Accordingly, the Court denies the motion without prejudice at the current stage.

**SO ORDERED.**

DATED: April 29, 2022  
New York, New York

A handwritten signature in black ink, appearing to read 'Valerie', is written over a horizontal line.

VALERIE FIGUEREDO

United States Magistrate Judge